

Before the
Federal Communications Commission
Washington, DC 20554

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| In the Matter of |) | |
| |) | |
| Re-examination of Roaming |) | WT Docket No. 05-265 |
| Obligations of Commercial |) | |
| Mobile Radio Service Providers |) | |
| |) | |
| Automatic and Manual Roaming |) | |
| Obligations Pertaining to |) | WT Docket No. 00-193 |
| Commercial Mobile Radio |) | |
| Services |) | |

To: The Commission

REPLY COMMENTS OF UNICOM, INC.

By:

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Dated: December 20, 2005

Executive Summary

Unicom, Inc. (Unicom) is an Alaskan native owned telecommunications provider offering cellular services in Bethel, Alaska (population of approximately 5,000) and in fifteen (15) Alaskan villages with an average population of 601. Unicom is the only wireless carrier serving these communities. Unicom has a total of approximately 500 cellular customers. Unicom is seeking to replace its manufactured discontinued analog cellular systems that are not capable of providing automatic roaming and extending its rural cellular network into unserved rural communities.

Unicom herein expresses its support for the comments filed by parties advocating mandatory manual and automatic roaming for the benefit of residents residing in rural communities and for the benefit of those living in urban areas that travel to rural areas.

The market place has failed to bring wireless services including roaming services to many rural communities. Carriers upgrading and extending wireless services to underserved and unserved communities need to be able to enter into roaming agreements that can provide consumers with the ability to roam throughout the country. Without the ability to offer customers roaming there is little, if any, incentive for carriers to extend state of the art wireless networks into underserved and unserved rural communities.

Unicom supports regulatory rules and enforcement provisions that will facilitate and enable nationwide roaming for all consumers especially those consumers residing in underserved and unserved rural communities.

- I. Facilities based carriers should be required, when technically feasible, to furnish roaming service upon the request of another carrier.
- II. Facilities based carriers in urban areas should be required to enter into roaming agreements when it is technically feasible so that its customers can roam in rural areas where they have no facilities.
- III. Roaming rates should be reasonable – the wholesale rates one carrier charges to roam within its area should not exceed the average per minute rates that the carrier charges to its home based customers to access and use its network.
- IV. Roaming agreements should be made public i.e. available on a carrier's website. Identical terms, conditions, and pricing should be available to all similarly situated carriers requesting roaming services.
- V. Manual roaming should be continued until carriers can fully implement automatic roaming capabilities.

I. ACCESS IN RURAL AND HIGH COST AREAS TO WIRELESS SERVICES.

Consumers in rural and high cost areas should have access to wireless services that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.¹ Contrary to comments filed by Sprint Nextel and others not all consumers in rural and high cost areas now have access to wireless (including roaming) services that are comparable to those that are available in urban areas.² Unicom's affiliate, United Utilities, Inc. (UII), provides wireline services to sixty (60) Alaskan communities. Only sixteen (16) of these communities have wireless service. Unicom estimates that there are now more than one hundred (100) Alaskan communities without wireless services. Unicom also suspects that there are numerous other unserved or underserved areas throughout the country.

Sprint Nextel opposes an anti-discrimination rule whereby wireless carriers would be required in certain circumstances to deal with each other.

"Adoption of such a rule in the highly competitive wireless market place would be unprecedented and wholly unjustified . . ."³

Sprint Nextel misses the point – there are unserved and underserved communities – many have no wireless service and others are served, as are the communities Unicom serves, by only one carrier using rudimentary and outdated technology. The market place has failed to bring wireless services, including roaming, to many rural and high cost communities

¹ Section 254(b)(3).

² "...the pool of potential roaming partners in rural areas is only 3.7 carriers" Sprint Nextel, p. 14.

³ Sprint Nextel, p. 17.

comparable to the wireless services available in the nation's urban centers.^{4,5} The Commission has stated that a "regulatory mandate in support of roaming would be appropriate only to the extent that market forces alone are not sufficient to ensure the widespread availability of competitive roaming services and where roaming is technically feasible without imposing unreasonable costs on CMRS providers".⁶ Market forces have failed to bring roaming capabilities to those residing in many rural communities and to those living in more urban areas that travel to these communities.

II. COMMENTS SUPPORT MANDATORY RULES AND ENFORCEMENT.

Parties filing comments in this proceeding have raised serious concerns regarding the ability of carriers, like Unicom, that do not have a nationwide foot print to enter into roaming agreements. The following are quotes taken from comments that discuss these troublesome issues.

METROPCS COMMUNICATIONS, INC.

"By allowing the large carriers to consolidate and expand their reach, the Commission has reduced their incentive to enter into reasonable reciprocal roaming agreements." p. ii.

"...the nationwide CDMA market is now a duopoly, which gives these carriers' enormous bargaining power and can lead to unreasonable behavior."p. ii.

LEAP WIRELESS INTERNATIONAL, INC.

⁴ "The Commission recognized in its prior decisions regarding the development of the CMRS industry that imposing roaming requirements is justified only (emphasis added) if market forces were insufficient to ensure the availability of competitive roaming services." T-Mobile, USA, Inc. p. ii.

⁵ "Centennial Communications Corp. also ignores the existence of "unserved and underserved" areas -- "...the wireless market is reasonably competitive and not in need of major regulatory intervention?" p. 11.

⁶ Interconnection and Resale Obligations Pertaining to CMRS Providers, CC Docket No 94-54, Second Report and Order and Third Notice of Proposed Rulemaking, 11 FCC Rcd 9462, 9464 (1996).

“Leap’s efforts to introduce an occasional roaming capability to its subscribers have been greatly impeded by large carriers who have refused to negotiate reasonable terms with Leap, even though their services are technologically compatible and they have plenty of available capacity on their networks.” p. 2.

“... the available data show that large carriers demand exorbitant rates for automatic roaming. Indeed, the average wholesale roaming rates that the largest wireless carriers charge to unaffiliated carriers exceeds in some cases by four times – the retail rates that these carriers charge retail customers.” p. 2.

“Large carriers also have asked the commission to bless their refusals to provide automatic roaming coverage.” p. 2.

SOUTHERNLINC WIRELESS, INC.

“SouthernLINC Wireless has experienced great difficulty over the years in its attempts to negotiate a roaming arrangement with Nextel (prior to its recent merger with Sprint) and its partially-owned affiliate Nextel Partners. To this day, SouthernLINC Wireless, virtually their only iDEN-based competitor in the United States, has no roaming agreement with Nextel Partners and only a limited, non-reciprocal arrangement with Sprint Nextel itself, for which SouthernLINC Wireless must pay rates that substantially exceed those typical in the industry. These practices demonstrate not only the existence of market failure in the provision and availability of roaming for iDEN carriers but also are indicative of both current and potential future market failure in the provision and availability of roaming for all wireless services, regardless of platform or technology.”

“This relative lack of competition in the wholesale roaming market gives the large nationwide CMRS carriers the ability to unfairly leverage their nationwide coverage capabilities to the detriment of unaffiliated regional carriers through anticompetitive roaming prices and practices.” p.i.

THE RURAL TELECOMMUNICATIONS GROUP, INC. AND THE ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT OF SMALL TELECOMMUNICATIONS COMPANIES.

“The current CMRS market for roaming, while robust among large carriers, is no longer competitive where smaller, rural carriers are providing service. In rural regions, large carriers have been able to abuse their overwhelming market power, forcing rural carriers into roaming agreements that are little more than contracts of adhesion

where rural carrier customers must pay an unreasonable premium to roam on a nationwide network, and where nationwide carriers often pay less than the rural carrier's costs for the nationwide carriers' customers to roam on the rural network." Executive Summary.

NTCH, INC.

"One gave us a roaming agreement early on for 50 cents per minute and an additional 15 cents for long distance and has refused to ever change it despite our presentation of coverage maps showing that we cover vast areas where they had no coverage on their network. The other refused to discuss terms until this recent Commission NPRM on roaming was initiated. It refused even though we were able to offer better coverage than they have in many of our areas."

"We ourselves cannot offer customers free long distance and roaming because we do not have a national or regional network." p.3.

THE SAFE COMPETITION COALITION

"An automatic roaming requirement is necessary and in the public interest to ensure that smaller entrants do not fall victim to anticompetitive practices and discrimination by the larger national CMRS carriers." p. 3.

CENTENNIAL CORPORATION

"...a reasonable automatic roaming agreement with a nationwide carrier allows the smaller carrier to offer its own subscribers nationwide calling privileges, so that when the smaller carrier's customers travel – whether on business or for personal reasons – they can continue to use their wireless service in a seamless and efficient manner. In this regard, the omission has noted the importance of reasonable roaming rates to the ability of a smaller carrier to offer attractive nationwide calling plans." p. 10.

NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

"NTCA members complain that large carriers block their customers from roaming on the small carriers' networks, or engage in a practice that favors roaming on other large, nationwide carriers rather than on the rural carriers' network".

"The large, nationwide carriers do not need the service of small carriers to attract customers. This unequal bargaining power gives the large providers the ability to offer a "take it or leave it" roaming agreement in which they have pre-determined the terms and conditions of roaming in a manner favorable to themselves. There is no actual "negotiation". p. 3.

AIRPEAK AND AIRTEL WIRELESS

"...AIRPEAK and Airtel believe that the current CMRS market forces, at least within the marketplace of iDEN networks in which they operate, are not adequate to ensure roaming opportunities on a non-discriminatory basis under reasonable service when in Montana seemingly is contrary to Sprint Nextel's own economic interest and is reason to question the working of the iDEN marketplace." Section III.

RURAL CELLULAR ASSOCIATION

"... the Commission should act at this time to ensure that consumers are not deprived of efficient access to voice, data and other wireless services as the result of any unwillingness of certain large or small carriers to enter into automatic roaming agreements whenever the carrier networks are technologically compatible following good faith negotiation,"p. 3.

NORTH DAKOTA NETWORK COMPANY

"The elimination of discriminatory conduct and practices by national Commercial Mobile Radio Service (CMRS) providers is necessary in order for smaller wireless providers to be competitive. Unjust and unreasonable charges and demands by national sized carriers place a heavy burden on smaller carriers by not being able to provide the customers with adequate service at a reasonable price."p. 2.

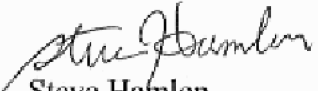
III. SUMMARY

The market place has failed to provide wireless and wireless roaming services in many rural communities in Alaska and elsewhere in the country. The Commission has acknowledged that a regulatory mandate is appropriate when market forces alone are not sufficient to ensure the availability of roaming services. Carriers need to be assured that customers no matter where they are from or where they are traveling to can access and

use each others networks on a non discriminatory basis. Unicom supports regulatory rules and enforcement provisions that will facilitate and enable nationwide roaming for all consumers especially those consumers residing in underserved and unserved rural communities.

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Respectfully submitted,


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